

Kapilow 1999-0096A

Claims 1 and 2 were rejected under 35 USC 102 as being anticipated by US Patent 5,615,298. Applicant respectfully traverses.

In connection with claim 1, the Examiner asserts that the claim limitation, which states

wherein the duration of the previously formed portion used in such synthesis is determined based on a duration of packet unavailability, is found in the passage at col. 5, lines 33-35 of the reference, where it is taught that the process of using previous data is repeated until a good (non-erased) frame is received. Applicant respectfully disagrees that such teaching corresponds to the claim's limitation. The reference faces a situation where there is a gap in the properly encoded speech, and there is a KP-samples speech snippet that can be used to fill the gap. Alas, the snippet is smaller than the gap and, therefore, the snippet is repeated so as to create a speech segment that is long enough to fill the gap. This process, *per se*, says nothing about the size of the snippet. However, as is clearly stated in the col. 5 paragraph cited by the Examiner, the snippet comprises KP samples, where "KP is a sample count corresponding to one pitch-period of the voice speech" col. 5, lines 38-39. In contradistinction, claim 1 specifies a step of synthesizing a portion of speech (to fill the aforementioned gap) using a portion of "the previously formed" speech signals. It is this "previously formed" portion that has a variable duration. The portion is not KP samples long but rather, it is "based on a duration of packet unavailability." Hence, it is respectfully submitted that claim 1 is not anticipated by Chen.

Claim 2 comprises a step of

determining a portion of the previously formed speech signal based on the duration of packet unavailability.


and a step of synthesizing a speech portion using the determined portion. Again, the portion of previously formed speech signal that is used is not a constant (KP samples) but a variable that depends on the size of the gap. Hence, it is respectfully submitted that claim 2 is also anticipated by Chen.

Kapilow 1999-0096A

In light of the above amendment, it is respectfully submitted that all of the Examiner's rejections have been overcome. Reconsideration and allowance of claims 1 and 2 are respectfully solicited.

Respectfully,  
David A. Kapilow

Dated: 12/9/04

By   
Henry T. Brendzel  
Reg. No. 26,844  
Phone (973) 467-2025  
Fax (973) 467-6589  
email brendzel@comcast.net